IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

**WRIT PETITION NO : 6396 of 2005**

Between:

A.Sudhakar S/o.John Luther
R/o.Sullurpet, Nellore District.

**..... PETITIONER**

AND

1 The Superintendent of Police
Nellore, Nellore District.
2 The Deputy Superintendent of Police
Nellore, Nellore District
3 The Station House Officer
Sullurpet Police Station Nellore District
4 N.V.Krishnaiah,
Mandal Revenue Officer Sullurpet Mandal
Nellore District.

**..... RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ order or direction more particularly one in the nature of writ of Mandamus to declare the action of the respondent police in not investigating into Cr.No.110/2004 pending on the file of the 3rd respondent in spite of registering the same on 29-8-2004 as illegal, arbitrary, unconstitutional and contrary to the provisions of SC,ST(POA)Act,1989 and consequently direct the respondent Nos. 1to 3 herein to investigate into the Cr.No.110/2004 or otherwise to entrust the matter to the CBCID for proper investigation, and to grant such other relief or reliefs.

**Counsel for the Petitioner: MRK.JOSEPH**

**Counsel for the Respondents1 to 3: G.P. FOR HOME**

**The Court at the stage of admission made the following**

**ORAL ORDER**:

Heard both sides.

2. The writ petition is field seeking Mandamus to declare the action of the respondents-police in not investigating into the Crime No.110 of 2004 pending on the file of the third respondent-Station House Officer, Sullurupet Police Station, Nellore District, in spite of registering the same on 29-08-2004, as illegal, arbitrary, unconstitutional and contrary to the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and consequently to direct the respondents-police officers to investigate into the said crime or otherwise to entrust the same to the C.B.C.I.D. for proper investigation.

3. The petitioner belongs to Scheduled Caste Community and native of Sullurpet Mandal, Nellore District. He gave a complaint on 29-08-2004 against the fourth respondent-Mandal Revenue Officer, Sullurupet alleging that the fourth respondent abused him with caste name when he met him for asking the subsidy amount. The complaint was registered as Crime No.110 of 2004 of Sullurupet Police Station. The investigation was not completed and therefore, the present writ petition is filed for appropriate orders.

Under Rule 7(2) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Rules, 1995, the Investigating Officer -the second respondent-Deputy Superintendent of Police, Nellore, shall have to complete the investigation on top priority within 30 days and submit a report to the first respondent-Superintendent of Police, Nellore for appropriate action. Though the complaint is registered on 29-08-

2004, it is alleged that the second respondent has not made much headway.

Therefore, after hearing the learned Government Pleader for Home, the writ petition is disposed of, at the stage of admission, directing the second respondent to complete the investigation in connection with Crime No.110 of 2004 and submit a report to the first respondent within a period of ten days from the date of receipt of a copy of this Order.

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**D.S.R. VARMA, J**

25th March 2005

lsn

ASSISTANT REGISTRAR

To

1 The Superintendent of Police
Nellore, Nellore District.
2 The Deputy Superintendent of Police
Nellore, Nellore District
3 The Station House Officer
Sullurpet Police Station Nellore District

4. Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

5. Two CD copies

6. One CC to MRJOSEPH, learned counsel for the petitioner